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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,813	02/08/2002	Jean-Christophe Renauld	LUD 5501.1 CON US	3921

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EXAMINER
UNGAR, SUSAN NMN

ART UNIT	PAPER NUMBER
1642	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/067,813	RENAULD ET AL.	
	Examiner	Art Unit	
	Susan Ungar	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *08 February 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-52* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-52 are pending in the application and are currently under prosecution.

2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

Group 1. Claims 1, 3-4, 6, 51 are drawn to a polynucleotide encoding human M-Ras, classified in Class 536, subclass 23.1.

Group 2. Claims 2-3, 5, 7, 52 are drawn to a polynucleotide encoding murine M-Ras, classified in Class 536, subclass 23.1.

Group 3. Claims 8 is drawn to the amino acid sequence of human M-Ras, classified in Class 530, subclass 350.

Group 4. Claim 9 is drawn to the amino acid sequence of murine M-Ras, classified in Class 530, subclass 350.

Group 5. Claims 10-19 and 47, drawn to a method of alleviating asthma-related disorders, classified in Class 514, subclass 2.

Group 6. Claim 20 is drawn to a method of detecting/diagnosing susceptibility to asthma related disorders, classified in Class 435, subclass 4.

Group 7. Claim 20 is drawn to a method of detecting/diagnosing susceptibility to certain lymphomas, classified in Class 435, subclass 4.

Group 8. Claim 20 is drawn to a method of detecting/diagnosing susceptibility to leukemias, classified in Class 435, subclass 4.

Group 9. Claim 21 is drawn to a method of monitoring a therapeutic treatment of asthma related disorders, Class 435, subclass 4.

Group 10. Claim 21 is drawn to a method of monitoring a therapeutic treatment of certain lymphomas, Class 435, subclass 4.

Group 11. Claim 21 is drawn to a method of monitoring a therapeutic treatment of leukemias, Class 435, subclass 4.

3. Claims 22 link inventions 12-39. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 22. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group 12. Claims 22-24, 32 are drawn to a method of treating T-cell lymphoma comprising administering a farnesyl transferase inhibitor, manumycin A, classified in Class 514, subclass 2.

Group 13. Claims 22-23, 25, 32 are drawn to a method of treating T-cell lymphoma comprising administering a farnesyl transferase inhibitor, lovastatin, classified in Class 514, subclass 2.

Group 14. Claims 22, 26, 32 are drawn to a method of treating T-cell lymphoma comprising administering a geranylgeranyl transferase inhibitor, classified in Class 514, subclass 2.

Group 15. Claims 22, 27-28, 32 are drawn to a method of treating T-cell lymphoma comprising administering an aminosterol/1409, classified in Class 514, subclass 2.

Group 16. Claims 22, 29-30, 32 are drawn to a method of treating T-cell lymphoma comprising administering an inhibitor of the MAPK pathway, PD98059, classified in Class 514, subclass 2.

Group 17. Claims 22, 29, 31, 32 are drawn to a method of treating T-cell lymphoma comprising administering an inhibitor of the MAPK pathway, SB202190, classified in Class 514, subclass 2.

Group 18. Claims 22, 48, 33 are drawn to a method of treating T-cell lymphoma comprising administering an antisense, classified in Class 536, subclass 23.1.

Group 19. Claims 22-24, 33 are drawn to a method of treating T-cell leukemia comprising administering a farnesyl transferase inhibitor, manumycin A, classified in Class 514, subclass 2.

Group 20. Claims 22-23, 25, 33 are drawn to a method of treating T-cell leukemia comprising administering a farnesyl transferase inhibitor, lovastatin, classified in Class 514, subclass 2.

Group 21. Claims 22, 26, 33 are drawn to a method of treating T-cell leukemia comprising administering a geranylgeranyl transferase inhibitor, classified in Class 514, subclass 2.

Group 22. Claims 22, 27-28, 33 are drawn to a method of treating T-cell leukemia comprising administering an aminosterol/1409, classified in Class 514, subclass 2.

Group 23. Claims 22, 29-30, 33 are drawn to a method of treating T-cell leukemia comprising administering an inhibitor of the MAPK pathway, PD98059, classified in Class 514, subclass 2.

Group 24. Claims 22, 29, 31, 33 are drawn to a method of treating T-cell leukemia comprising administering an inhibitor of the MAPK pathway, SB202190, classified in Class 514, subclass 2.

Group 25. Claims 22, 48, 33 are drawn to a method of treating T-cell leukemia comprising administering an antisense, classified in Class 536, subclass 23.1.

Group 26. Claims 22-24, 34 are drawn to a method of treating Hodgkin's lymphoma comprising administering a farnesyl transferase inhibitor, manumycin A, classified in Class 514, subclass 2.

Group 27. Claims 22-23, 25, 34 are drawn to a method of treating Hodgkin's lymphoma comprising administering a farnesyl transferase inhibitor, lovastatin, classified in Class 514, subclass 2.

Group 28. Claims 22, 26, 34 are drawn to a method of treating Hodgkin's lymphoma comprising administering a geranylgeranyl transferase inhibitor, classified in Class 514, subclass 2.

Group 29. Claims 22, 27-28, 34 are drawn to a method of treating Hodgkin's lymphoma comprising administering an aminosterol/1409, classified in Class 514, subclass 2.

Group 30. Claims 22, 29-30, 34 are drawn to a method of treating Hodgkin's lymphoma comprising administering an inhibitor of the MAPK pathway, PD98059, classified in Class 514, subclass 2.

Group 31. Claims 22, 29, 31, 34 are drawn to a method of treating Hodgkin's lymphoma comprising administering an inhibitor of the MAPK pathway, SB202190, classified in Class 514, subclass 2.

Group 32. Claims 22, 48, 34 are drawn to a method of treating Hodgkin's lymphoma comprising administering an antisense, classified in Class 536, subclass 23.1.

Group 33. Claims 22-24, 35 are drawn to a method of treating Mycosis fungoides comprising administering a farnesyl transferase inhibitor, manumycin A, classified in Class 514, subclass 2.

Group 34. Claims 22-23, 25, 35 are drawn to a method of treating Mycosis fungoides comprising administering a farnesyl transferase inhibitor, lovastatin, classified in Class 514, subclass 2.

Group 35. Claims 22, 26, 35 are drawn to a method of treating Mycosis fungoides comprising administering a geranylgeranyl transferase inhibitor, classified in Class 514, subclass 2.

Group 36. Claims 22, 27-28, 35 are drawn to a method of treating Mycosis fungoides comprising administering an aminosterol/1409, classified in Class 514, subclass 2.

Group 37. Claims 22, 29-30, 35 are drawn to a method of treating Mycosis fungoides comprising administering an inhibitor of the MAPK pathway, PD98059, classified in Class 514, subclass 2.

Group 38. Claims 22, 29, 31, 35 are drawn to a method of treating Mycosis fungoides comprising administering an inhibitor of the MAPK pathway, SB202190, classified in Class 514, subclass 2.

Group 39. Claims 22, 48, 35 are drawn to a method of treating Mycosis fungoides comprising administering an antisense, classified in Class 536, subclass 23.1.

Group 40. Claims 36-37 are drawn to a method of preparing an antibody to human M-Ras, classified in Class 514, subclass 2.

Group 41. Claims 36-37 are drawn to a method of preparing an antibody to murine M-Ras, classified in Class 514, subclass 2.

Group 42. Claim 38 is drawn to a method of quantifying a human M-Ras, classified in Class 435, subclasses 4, 7.1.

Group 43. Claim 38 is drawn to a method of quantifying a murine M-Ras, classified in Class 435, subclasses 4, 7.1.

Group 44. Claim 39 is drawn to a method of identifying antagonist of human M-ras, claim 40 will be examined as it is drawn to this claimed invention, classified in Class 435, subclasses 4, 7.1.

Group 45. Claim 39 is drawn to a method of identifying antagonist of murine M-ras, claim 40 will be examined as it is drawn to this claimed invention, classified in Class 435, subclasses 4, 7.1.

Group 46. Claim 41 is drawn to a nucleic acid encoding a variant of SEQ ID NO:2, classified in Class 536, subclass 23.1.

Group 47. Claim 41 is drawn to a nucleic acid encoding a variant of SEQ ID NO:4, classified in Class 536, subclass 23.1.

Group 48. Claim 42 is drawn to a nucleic acid encoding a variant of SEQ ID NO:2, classified in Class 536, subclass 23.1.

Group 49. Claim 42 is drawn to a nucleic acid encoding a variant of SEQ ID NO:4, classified in Class 536, subclass 23.1.

Group 50. Claim 43 is drawn to a nucleic acid encoding a variant of SEQ ID NO:2, classified in Class 536, subclass 23.1.

Group 51. Claim 43 is drawn to a nucleic acid encoding a variant of SEQ ID NO:4, classified in Class 536, subclass 23.1.

4. Claims 44 link inventions 52-57. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 44. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Group 52. Claim 44-45 are drawn to a method of identifying antagonists of M-ras comparing obtaining a cell line that constitutively expresses the nucleic acid encoding a variant of SEQ ID NO:2 of Claim 41, and selecting those agents which diminish the activity of M-ras, classified in Class 435, subclass 4.

Group 53. Claim 44-45 are drawn to a method of identifying antagonists of M-ras comparing obtaining a cell line that constitutively expresses the nucleic acid encoding a variant of SEQ ID NO:4 of Claim 41, and selecting those agents which diminish the activity of M-ras, classified in Class 435, subclass 4.

Group 54. Claim 44-45 are drawn to a method of identifying antagonists of M-ras comparing obtaining a cell line that constitutively expresses the nucleic acid encoding a variant of SEQ ID NO:2 of Claim 42, and selecting those agents which diminish the activity of M-ras, classified in Class 435, subclass 4.

Group 54. Claim 44-45 are drawn to a method of identifying antagonists of M-ras comparing obtaining a cell line that constitutively expresses the nucleic acid encoding a variant of SEQ ID NO:4 of Claim 42, and selecting those agents which diminish the activity of M-ras, classified in Class 435, subclass 4.

Group 56. Claim 44-45 are drawn to a method of identifying antagonists of M-ras comparing obtaining a cell line that constitutively expresses the nucleic acid encoding a variant of SEQ ID NO:2 of Claim 43, and selecting those agents which diminish the activity of M-ras, classified in Class 435, subclass 4.

Group 57. Claim 44-45 are drawn to a method of identifying antagonists of M-ras comparing obtaining a cell line that constitutively expresses the nucleic acid encoding a variant of SEQ ID NO:4 of Claim 43, and selecting those agents which diminish the activity of M-ras, classified in Class 435, subclass 4.

Group 58. Claims 46 and 49 are drawn to an antisense sequence of human M-Ras, SEQ ID NO:1, classified in Class 536, subclass 23.1.

Group 59. Claims 49 is drawn to an antisense sequence of SEQ ID NO:3, classified in Class 536, subclass 23.1.

Group 60. Claim 50 is drawn to a polypeptide encoded by SEQ ID NO:1, classified in Class 530, subclass 350.

Group 61. Claims 50 is drawn to a polypeptide encoded by SEQ ID NO:3, classified in Class 530, subclass 350.

5. The inventions are distinct, each from the other because of the following reasons:

Inventions 1-4, 46-51, 58-61 as disclosed are biologically and chemically distinct, unrelated in structure and function, made by and used in different methods and are therefore distinct inventions.

Inventions 5-45, 52-57 are materially distinct methods which differ at least in objectives, method steps, reagents and/or dosages and/or schedules used, response variables, and criteria for success.

The inventions of Groups 1/46-51/58-59 and 52-57 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (i) the process for using the product as claimed can be practiced with another materially different product or (ii) the product as claimed can be used in a materially different process of using that product [see *MPEP* § **806.05(h)**]. In the instant case the polynucleotide products as claimed can be used in a materially different process such as producing the encoded protein.

The inventions of Groups 3/60 and 5-40, 42, 44, 52-57 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (i) the process for using the product as claimed can be practiced with another materially different product or (ii) the product as claimed can be used in a materially different process of using that product [see *MPEP* § **806.05(h)**]. In the instant case the polypeptide products as claimed can be used in a materially different process such as in the production of antibodies against said polypeptide products.

The inventions of Groups 4/61 and 41, 43, 45 are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (i) the process for using the product as claimed can be practiced with another materially different product or (ii) the product as claimed can be used in a materially different process of using that product [see *MPEP* § **806.05(h)**]. In the instant case the polypeptide products as claimed can be used in a materially different process such as in the production of antibodies against said polypeptide products.

The inventions of Groups 2 and 5-45, 52-57 are unrelated since the polynucleotide of Group 2 is not used in any of the methods of Groups 5-45, 52-57.

The inventions of Groups 1/46-51, 58-59 and 5-45 are unrelated since the polynucleotide of Groups 1/46-51, 58-59 is not used in any of the methods of Groups 5-45.

The inventions of Groups 3/60 and 41/42/45 are unrelated since the polypeptide of Groups 3/60 is not used in any of the methods of Groups 41/42/45.

The inventions of Groups 4/61 and 5-40, 42, 44, 52-57 are unrelated since the assay of polypeptide of Groups 4/61 is not used in any of the methods of Groups 5-40, 42, 44, 52-57.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and/or recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C.
§ 103.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

9. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is (571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached at (571) 272-0787. The fax phone number for this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Effective, February 7, 1998, the Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1642.

Susan Ungar, PhD
Primary Patent Examiner
September 14, 2004